

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claims 1 and 9 have been amended in this paper. New claim 13 has been added in this paper. Accordingly, claims 1-13 are pending and are under active consideration.

Claims 1-12 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Tsutsumi et al (5223311).” In support of the rejection, the Patent Office states the following:

Applicant argues that Tsutsumi fails to teach a coating material consisting essentially of an ethylene-butyl acrylate polymer. The coating material of Tsutsumi contains other materials; however, it is the examiner’s position that these materials do not materially alter the basic and novel characteristics of the coating.

Applicant respectfully traverses the foregoing rejection. Claim 1, from which claims 2-8 and 10-12 depend, has been amended herein and now recites “[p]rotective hood for automobiles comprising a composite material with a support material of nonwoven polypropylene and a coating material of a thermoplastic copolymer, wherein said coating material consists essentially of an ethylene-butyl acrylate copolymer, wherein said coating material is introduced onto the support material by means of extrusion coating and wherein said composite material has a water-vapor permeability of at least 30 g/m²xd.”

Support for the foregoing amendment to claim 1 may be found in the present specification, for example, on page 7, Table 1.

Claim 1 is not rendered obvious over Tsutsumi et al. for at least the reason that Tsutsumi et al. does not teach or suggest a protective hood for automobiles that comprises a composite material

that, among other things, possesses a water-vapor permeability of at least 30 g/m²xd. As noted in the present specification, for example, at page 3, lines 2-6, and at page 7, lines 4-5 of the paragraph following Table 1, it is an important feature of the present invention that the subject protective hood be sufficiently **permeable** to water vapor so that condensation and mold do not form on the hooded article.

As contrasted with the claimed invention, a principal objective of Tsutsumi et al. is to **minimize** the permeability of its material to gases. This is apparent from Tsutsumi et al., for example, at col. 1, lines 33-43, where, in noting shortcomings in the state of the art, Tsutsumi et al. states that polyolefins are poor in gas barrier properties and that, as a result, polyolefin containers cannot preserve food for prolonged periods of time and cannot hold gasoline without incurring substantial losses due to permeation. By contrast, at col. 3, lines 9-12, Tsutsumi et al. states that the first object of its invention is the provision of a laminate that is suitable for wrapping or packaging foods; consequently, the Tsutsumi laminate is **less** permeable to gases than the aforementioned polyolefin materials.

It can readily be appreciated that, if automobiles and/or automobile parts were covered with the impermeable Tsutsumi laminate, one would expect condensation of water to occur on the covered object, thereby possibly leading to rusting of the covered object. Such a result would be avoided with the present invention, which is gas permeable.

Claim 1 is further patentable over Tsutsumi et al. for at least the reasons provided by Applicant in previous correspondence with the Patent Office. Applicant does wish to point out that, with respect to the Patent Office's contention that the additional materials in the Tsutsumi coating

do not materially alter the basic and novel characteristics of the coating, the marked difference in gas permeability between the claimed invention and the Tsutsumi laminate suggests otherwise.

Claims 2-8 and 10-12 recite additional features that further distinguish over Tsutsumi et al.

Claim 9 is patentable over Tsutsumi et al. for at least the same types of reasons discussed above in connection with claim 1.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

New claim 13 is supported by the present specification, for example, at page 5, lines 12-13.

Claim 13 is patentably distinguishable over Tsutsumi et al. for at least the reason that claim 13 requires that the coating material not contain materials other than an ethylene-butyl acrylate copolymer whereas, as acknowledged by the Patent Office, the Tsutsumi coating material does not contain only an ethylene-butyl acrylate copolymer.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.


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